

MARK BRNOVICH
ATTORNEY GENERAL

LISA M. HEMANN (024703)
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DefensePhx@azag.gov

Attorneys for State Defendants

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

Ebone Leroy East; and Shamika S. Byrd,

Plaintiffs,

v.

State of Arizona, et al.,

Defendants.

Case No:

Maricopa County Superior Court Case
No.: CV2017-002117

**NOTICE OF REMOVAL FROM
STATE COURT UNDER 28 U.S. §
1441(A)**

The undersigned, Lisa Hemann, Assistant Attorney General, an attorney authorized to represent the following Defendants: the State of Arizona, the Arizona Department of Child Safety, and Leticia Frausto (hereinafter collectively referred to as "State Defendants"). State Defendants submit this Notice of Removal pursuant to 28 U.S.C. § 1446(a), and provide as grounds for removal the following:

1. Defendant State of Arizona was served on May 1, 2017 with a copy of the Complaint in a civil action entitled *Ebone Leroy East and Shamika S. Byrd*, Case No. CV2017-002117 currently pending in the Arizona Superior Court for Maricopa County, a state court within the District of Arizona. All properly-served Defendants consent to this removal.

1 2. The following documents attached as Exhibit A constitute all of the
2 process in this action:

- 3 a. Attorney Verification
4 b. Court Docket
5 c. Civil Coversheet
6 d. Certificate Regarding Compulsory Arbitration
7 e. Civil Complaint
8 f. Affidavit in Support of Application for Deferral or Waiver of
9 Service of Process Fees
10 g. Application for Deferral or Waiver of Court Fees or Costs and
11 Consent to Entry of Judgment
12 h. Order Regarding Deferral or Waiver of Court Fees and Costs and
13 Notice Regarding Consent Judgment
14 i. Summons
15 j. Affidavit of Service (State of Arizona)
16 k. Affidavit of Service (Laticia Frausto)

17 3. At the time of receipt of the Plaintiffs' Complaint, State Defendant Frausto
18 was a state employee within the State of Arizona.

19 4. State Defendants are informed and believe, and on that basis allege that
20 Plaintiffs are now, and were at all relevant times, citizens and residents of the State of
21 Arizona.

22 5. State Defendants have not pled or answered.

23 6. State Defendants have filed this notice within thirty (30) days after receipt
24 of a pleading, motion, order or other paper from which it may be ascertained that the
25 case is one which is or has become removable, and within one year after commencement
26 of the action. Removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

27 7. Plaintiffs bring one or more claims arising under the Constitution or laws
28 of the United States pursuant to 42 U.S.C. § 1983.

 8. By reason of the above facts, (a) the District Courts of the United States
have original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331, because one
or more claims arise under the Constitution, laws, or treaties of the United States; and
(b) the case is removable pursuant to 28 U.S.C. § 1441.

 9. A copy of this Notice is being filed with the Clerk of the Superior Court of
Maricopa County pursuant to Rule 3.7, Rules of Practice of the United States District
Court, for the District of Arizona.

1 WHEREFORE, the State Defendants pray that the action be removed from the
2 Superior Court of Maricopa County to the United States District Court for the District of
3 Arizona, and that further proceedings in the Arizona Superior Court of Maricopa County
4 regarding the action be stayed pursuant to 28 U.S.C. § 1446.

5 DATED this 31st day of May, 2017.

6 MARK BRNOVICH
7 ATTORNEY GENERAL

8 /s/ Lisa M. Hemann
9 LISA M. HEMANN
Assistant Attorney General
Attorneys for State Defendants

10 I certify that I electronically
11 transmitted the attached document
12 to the Clerk's Office using the
13 CM/ECF System for filing and
14 transmittal of a Notice of Electronic
15 Filing to the following, if CM/ECF
registrants, and mailed a copy of
same to any non-registrants, this
31st day of May, 2017:

16 Ebone Leroy East
17 11039 North 87th Avenue
Apartment 1095
18 Peoria, Arizona 85345
19 *Plaintiff Pro Per*

20 Shamika S. Byrd
21 11039 North 87th Avenue
Apartment 1095
22 Peoria, AZ 85345
23 *Plaintiff Pro Per*

24 /s/ K. Hill
25 Secretary to Lisa Hemann
5963785

EXHIBIT A
(Verification, Case Docket, and Superior Court Documents)

VERIFICATION

STATE OF ARIZONA)
County of Maricopa) ss.

I, LISA HEMANN, hereby state, under the penalty of perjury, that the following information is true to my knowledge, information and belief:

1. I am the attorney for the State Defendants in the matter of *Ebone Leroy East and Shamika S. Byrd v. State of Arizona, et al.*, Cause Number CV2017-002117, currently pending in the Superior Court of the State of Arizona, County of Maricopa, before the Honorable Kerstin LeMaire.

2. On May 31, 2017, I filed a Notice of Removal under 28 U.S.C. § 1441(b) seeking to remove to the United States District Court for the District of Arizona.

3. In compliance with 28 U.S.C. § 1441(a) and L.R.Civ. 3.7(b), I certify that the attached documents are true and accurate copies of pleadings and other documents that were filed in the Superior Court of the State of Arizona, Maricopa, in *Ebone Leroy East and Shamika S. Byrd v. State of Arizona, et al.*, Cause Number CV2017-002117.

4. Also attached is a true and accurate copy of the court docket in *Ebone Leroy East and Shamika S. Byrd v. State of Arizona, et al.*, Cause Number CV2017-002117.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


DATED this 31st day of May, 2017.



LISA HEMANN

Skip To MainContent

Search

 ADVERTENCIA: Estafa por medio de llamadas telefónicas y correo electrónico. [Leer Mas..](#)

Civil Court Case Information - Case History

Case Information
 Case Number: CV2017-002117 Judge: LeMaire, Kerstin
 File Date: 4/24/2017 Location: Downtown
 Case Type: Civil

Party Name		Relationship	Sex	Attorney
Ebone Leroy East	(2)State Of Arizona	Plaintiff	Female	Pro Per
Shamika S Byrd		Defendant	Female	Pro Per
Laticia Frausto		Plaintiff	Female	Pro Per
		Defendant	Female	Pro Per

Case Documents		Docket Date	Filing Party
Filing Date	Description		
5/17/2017	AFS - Affidavit Of Service	5/22/2017	
NOTE: LATICIA FRAUSTO			
5/16/2017	AFS - Affidavit Of Service	5/19/2017	
NOTE: STATE OF ARIZONA			
5/16/2017	SUM - Summons	5/18/2017	Plaintiff(1)
4/24/2017	ODF - Order Deferring Court Fees	4/27/2017	
4/24/2017	ADW - Application Deferral/Waiver	4/27/2017	Plaintiff(1)
4/24/2017	ASA - Affidavit in Support of Application for Deferral or Waiver of Service Process Costs	4/27/2017	Plaintiff(1)
4/24/2017	COM - Complaint	4/27/2017	Plaintiff(1)
4/24/2017	CCA - Cert Compulsory Arbitration	4/27/2017	Plaintiff(1)
4/24/2017	CSH - Coversheet	4/27/2017	Plaintiff(1)

Case Calendar
 There are no calendar events on file

Judgments
 There are no judgments on file

MICHAEL K. JEANES, CLE
BY D. LOPEZ FILEDIn the Superior Court of the State of Arizona
In and For the County of MARICOPA

CV2017-002117

Is Interpreter Needed? ☐ Yes ☒ No
If yes, what language:

2017 APR 24 PM 12:00

(Please Type or Print)

Plaintiff's Attorney IN PRO SEAttorney Bar Number N/A

Plaintiff's Name(s): (List all) : Plaintiff's Address: Phone #: Email Address:

EBONE LEROY EAST 11039 N. 87TH AVE. APT # 1095 (909) 683-7761 eboneeast@gmail.com
SHAMIKA S. BYRD 11039 N. 87TH AVE. APT # 1095 (480) 469-0910 ShamikaByrd@yahoo.com

(List additional plaintiffs on page two and/or attach a separate sheet.)

Defendant's Name(s): (List All) 1) THE STATE OF ARIZONA, 2) DEPARTMENT OF CHILD SERVICES, 3) LATICIA FRAUSTO

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC
☐ Election Challenge ☐ Employer Sanction ☐ Other _____ (Specify)

☒ RULE 8(h) COMPLEX LITIGATION APPLIES. Rule 8(h) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.

(Mark appropriate box on page two as to complexity, in addition to the Nature of Action case category.)

☐ THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER EXPERIMENTAL RULE 8.1. (Maricopa County only.) Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. Please review Rule 8.1 for a complete list of the criteria. See <http://www.superiorcourt.maricopa.gov/commercial-court/>. You must check this box if this is an eligible commercial case. In addition, mark the appropriate box below in the "Nature of Action" case category. The words "commercial court assignment requested" must appear in the caption of the original complaint.

NATURE OF ACTION(Place an "X" next to the one case category that most accurately describes your primary case.)**100 TORT MOTOR VEHICLE:**

- ☐ 101 Non-Death/Personal Injury
☐ 102 Property Damage
☐ 103 Wrongful Death

110 TORT NON-MOTOR VEHICLE:

- ☐ 111 Negligence
☐ 112 Product Liability – Asbestos
☐ 112 Product Liability – Tobacco
☐ 112 Product Liability – Toxic/Other
☐ 113 Intentional Tort

- ☐ 114 Property Damage
☐ 115 Legal Malpractice
☐ 115 Malpractice – Other professional
☐ 117 Premises Liability
☐ 118 Slander/Libel/Defamation
☒ 116 Other (Specify) MISREPRESENTATION OF A MATERIAL FACT

120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D. ☐ 123 Hospital
☐ 122 Physician D.O. ☐ 124 Other

Case No. _____

130 CONTRACTS:

- ☐ 131 Account (Open or Stated)
☐ 132 Promissory Note
☐ 133 Foreclosure
☐ 138 Buyer-Plaintiff
☐ 139 Fraud
☐ 134 Other Contract (i.e. Breach of Contract)
☐ 135 Excess Proceeds-Sale
☐ Construction Defects (Residential/Commercial)
 ☐ 136 Six to Nineteen Structures
 ☐ 137 Twenty or More Structures

150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation
☐ 151 Eviction Actions (Forcible and Special Detainers)
☐ 152 Change of Name
☐ 153 Transcript of Judgment
☐ 154 Foreign Judgment
☐ 158 Quiet Title
☐ 160 Forfeiture
☐ 175 Election Challenge
☐ 179 NCC-Employer Sanction Action
 (A.R.S. §23-212)
☐ 180 Injunction against Workplace Harassment
☐ 181 Injunction against Harassment
☐ 182 Civil Penalty
☐ 186 Water Rights (Not General Stream Adjudication)
☐ 187 Real Property
☐ Special Action against Lower Courts
 (See lower court appeal cover sheet in Maricopa)

- ☐ 194 Immigration Enforcement Challenge
 (§§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review
 (See lower court appeal cover sheet in Maricopa)
☐ 150 Tax Appeal
 (All other tax matters must be filed in the AZ Tax Court)
☐ 155 Declaratory Judgment
☐ 157 Habeas Corpus
☐ 184 Landlord Tenant Dispute- Other
☐ 190 Declaration of Factual Innocence
 (A.R.S. §12-771)
☐ 191 Declaration of Factual Improper Party Status
☐ 193 Vulnerable Adult (A.R.S. §46-451)
☐ 165 Tribal Judgment
☐ 167 Structured Settlement (A.R.S. §12-2901)
☐ 169 Attorney Conservatorships (State Bar)
☐ 170 Unauthorized Practice of Law (State Bar)
☐ 171 Out-of-State Deposition for Foreign Jurisdiction
☐ 172 Secure Attendance of Prisoner
☐ 173 Assurance of Discontinuance
☐ 174 In-State Deposition for Foreign Jurisdiction
☐ 176 Eminent Domain- Light Rail Only
☐ 177 Interpleader- Automobile Only
☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
☐ 183 Employment Dispute- Discrimination
☐ 185 Employment Dispute-Other
☐ 195(a) Amendment of Marriage License
☐ 195(b) Amendment of Birth Certificate
☐ 163 Other _____
 (Specify)

COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

- ☐ Antitrust/Trade Regulation
☐ Construction Defect with many parties or structures
☐ Mass Tort
☐ Securities Litigation with many parties
☐ Environmental Toxic Tort with many parties
☐ Class Action Claims
☐ Insurance Coverage Claims arising from the above-listed case types
☒ A Complex Case as defined by Rule 8(h) ARCP

Additional Plaintiff(s)

N/A

Additional Defendant(s)

N/A

MICHAEL K. JEANES, CLERK
BY DEP① open
D. LOPEZ, FILED

2017 APR 24 PM 12:02

FOR CLERK'S USE ONLY

Person Filing: EBONE LEROY EAST & SHAMIKA S. BYRD
 Address (if not protected): 11039 N. 97TH AVE. APT #1095
 City, State, Zip Code: PHOENIX, AZ 85035
 Telephone: (602) 683-7611 or (480) 469-0910
 Email Address: eboneeast@gmail.com or shamika.byrd@yahoo.com
 Lawyer's Bar Number: N/A
 Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

1) EBONE LEROY EAST
 2) SHAMIKA S. BYRD
 PLAINTIFF,

vs.

CV2017-002117
 Case Number: _____

CERTIFICATE OF COMPULSORY ARBITRATION

1) THE STATE OF ARIZONA
 2) DEPARTMENT of CHILD SERVICES
 3) Laticia Frausto DEFENDANT. (S)

The undersigned certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs does / does not exceed limits set by Local Rule for compulsory arbitration. This case is / is not subject to the Uniform Rules of Procedure for Arbitration.

SUBMITTED this 24th day of APRIL, 20 17.

BY EBONE LEROY EAST

Person Filing: EBONE LEROY EAST & SHANIKA S. BYRD
 Address (if not protected): 11039 N. 87TH AVE APT. #1095
 City, State, Zip Code: PEORIA, AZ. 85345
 Telephone: 909 683-7761 or (480) 469-0910
 Email Address: eboneeast@gmail.com or shanika.byrd@phoa.com
 Lawyer's Bar Number: N/A

MICHAEL K. JEANES Clerk of the Superior Court By Darlene Lopez, Deputy Date 04/24/2017 Time 12:01:50	
Description	Amount
CASE# CV2017-002117	
CIVIL NEW COMPLAINT	319.00 D
TOTAL AMOUNT	0.00
Receipt# 25887247	

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

EBONE LEROY EAST, et. al
 Name of Plaintiff

Case Number: CV2017-002117

THE STATE OF ARIZONA, et. al
 Name of Defendant

Title: CIVIL COMPLAINT
MISREPRESENTATION OF A MATERIAL FACT
RIGHTS TO DUE PROCESS OF LAW

Plaintiff hereby submits this complaint against Defendant(s) and alleges the following:

JURISDICTION and VENUE

1. Maricopa County Superior Court has the legal authority to hear and decide this case because: (Check all boxes that are true.)

- ☒ The value of this case exceeds \$10,000 dollars.
- ☐ Replevin or other nonmonetary remedy will take place in Maricopa County.
- ☒ The Plaintiff resides in Maricopa County.
- ☒ The Defendant resides in Maricopa County.
- ☒ The Defendant does business in Maricopa County.
- ☒ The events, actions, or debts subject of this Complaint occurred in Maricopa County.
- ☐ Other reason: _____

PARTIES

2. The Plaintiff in this case is ERONE LEROY EAST & SHAMIKA S. BYRD
~~THE BYRDS~~
3. The Defendant in this case is THE STATE OF ARIZONA, DEPARTMENT OF CHILD SERVICES AND LATICIA FRAUSTO

STATEMENT OF FACTS AND BREACH

4. LATICIA FRAUSTO, A STATE AGENT OF THE STATE OF ARIZONA AND EMPLOYEE OF THE DEPARTMENT OF CHILD SERVICES
5. DISCRIMINATED AGAINST THE PLAINTIFF'S WHEN THE DEFENDANT LATICIA FRAUSTO, THREATENED SHAMIKA S. BYRD WITH THE
6. REMOVAL OF HER KIDS FROM HER HOME IF SHE CONTINUED TO HAVE RELATIONS WITH ERONE LEROY EAST AND THREATENED
7. THAT IF SHAMIKA S. BYRD DID NOT GET AN ORDER OF PROTECTION AGAINST HER BOYFRIEND ERONE LEROY EAST
8. THAT THE STATE OF ARIZONA, THE DEPARTMENT OF CHILD SERVICES AND LATICIA FRAUSTO WOULD NEVER RETURN HER BACK HER KIDS
9. THAT WAS TAKEN FROM HER ON APRIL 1ST, 2017 DUE TO A SUDDEN INFANT DEATH. "PLEASE SEE ALL ATTACHMENTS". Id SUPRA.

(If you need more space, add an attachment labeled "Statement of Facts and Breach," and continue consecutive numbering.)

APPLICABLE LAW SUPPORTING CLAIMS

- (10) PLEASE SEE ALL ATTACHMENTS.
- (11) PLEASE SEE ALL ATTACHMENTS.

(12.) PLEASE SEE ALL ATTACHMENTS

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Applicable Laws Supporting Claims," and continue consecutive numbering.)

INJURIES

(13.) PLEASE SEE ALL ATTACHMENTS

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Injuries," and continue consecutive numbering.)

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment against defendant(s), and each of them (if applicable) for the following dollars, interest, costs and expenses incurred herein, or non-monetary remedy, including reasonable attorneys' fees, and for such other and further relief as the Court may deem just and proper.

() PLEASE SEE ALL ATTACHMENTS!

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Demand for Relief," and continue consecutive numbering.)

DEMAND FOR JURY TRIAL (Optional)

☒ I request a jury trial, and wrote this in the "Title" below the words "Civil Complaint."

Dated this 4/24/2017
(Date of Signature)

X [Signature]
(Signature of Plaintiff or Plaintiff's Attorney)

EBONE LEROY EAST
SHAMIKA S. BYRD
11039 N. 87TH AVENUE APT# 1095
PEORIA, AZ 85345

PLAINTIFF(S) IN PRO SE.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

EBONE LEROY EAST		CASE NO:
SHAMIKA S. BYRD)	
Plaintiff,)	
)	Misrepresentation of a material fact
)	
)	Rights to Due Process of law
v.)	
)	Discrimination with evil intent
)	
1. THE STATE OF ARIZONA)	Slander with evil intent
2. DEPARTMENT OF CHILD SERVICES)	
3. Laticia Frausto)	Oppression with evil intent
)	
Defendants.)	Physical Injury with evil intent
)	
_____)	

Jurisdiction:

1.) THE INCIDENT OCCURRED IN THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MARICOPA

Complaint:

2.) On April 1st, 2017... After the Death of The Plaintiff's 3 month old child who died from Sudden Infant Death, A physical and emotional injury occurred and Leticia Frausto, a state actor of the State of Arizona and employee of the Department of child services was the cause of it, by her actions and conduct of discrimination, bias, oppression, slander, evil intent, and a misrepresentation of a material fact, to physically and socially harm and conspire against the Plaintiff's EBONE LEROY EAST and SHAMIKA S. BYRD persons and liberty interest GUARANTEED by Amendments I, IV, V, XIV, of THE UNITED STATES CONSTITUTION, to forthwith with no tribunal, to seizure property without due process of law, without merit, and fundamental fairness of any due process of law, procedural or otherwise, has subjectively and objectively, intentionally caused harm to the plaintiff's.

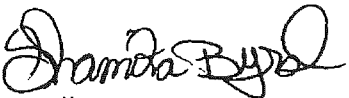
(*id supra*)

Demand:

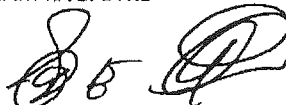
- 1) A trial by jury;
- 2) Nominal Damage of One U.S. Dollar for violations of paragraphs 1-2
- 3) An Amount to be determined by this Honorable Court for paragraphs 1-2, of this Cause of Action;
- 4) Any other relief ordered by this court;

Verification:

I, EBONE LEROY EAST & SHAMIKA S. BYRD HAVE READ THE FOREGOING COMPLAINT PURSUANT TO A MISREPRESENTATION OF A MATERIAL FACT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS, ALLEGED ON INFORMATION AND BELIEF AND AS TO THIS, I BELIEVE THEM TO BE TRUE. I, HEREBY CERTIFY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, THAT THE FOREGOING IS TRUE AND CORRECT. I DECLARE THE FOREGOING TO BE TRUE AND CORRECT UNDER PENALTY OF PERJURY. EXECUTED AT PEORIA, AZ ON APRIL 23, 2017.


X.

SHAMIKA S. BYRD

X. 
EBONE LEROY EAST

MICHAEL K. JEANES, CLERK

BY

DEP

D. Lopez

D. LOPEZ, FILED

2017 APR 24 PM 12:04

For Clerk's Use Only

Person Filing: FRANKE LEROY EAST & SHAMIKA S. BYRD
 Address (if not protected): 11039 N. 87TH AVE APT #1095
 City, State, Zip Code: PEORIA, AZ 85345
 Telephone: 1909 683-7761 or 1400 469-0910
 Email Address: frankeeast@gmail.com or shamika.byrde@yahoo.com
 Lawyer's Bar Number: NA

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

CV2017-002117

FRANKE LEROY EAST, ET AL
 Name of Petitioner/Plaintiff

Case Number: _____

**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR DEFERRAL OR WAIVER OF SERVICE OF
PROCESS FEES**

THE STATE OF ARIZONA, ET AL.
 Name of Respondent/Defendant

STATE OF ARIZONA)
 COUNTY OF MARICOPA) ss.

**NOTE: FILL OUT THIS FORM ONLY IF YOU REQUESTED DEFERRAL OR WAIVER OF
SERVICE COSTS IN THE APPLICATION. YOU MUST HAVE ATTEMPTED PERSONAL
SERVICE OR HAVE A VALID REASON FOR NOT DOING SO. SERVICE BY PUBLICATION
IS USED AS A LAST RESORT.**

Notice. A Fee Deferral is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income. A Fee Waiver is usually permanent unless your financial circumstances change during the pendency of this court action.

I have requested a deferral or waiver of the following fees in my case:

☒ Fees for service of process by a sheriff, marshal, constable, or law enforcement agency: In support of my request, I state that (check and complete any that apply):

☐ I have attempted to obtain voluntary acceptance of service of process without success on the person to be served.

☐ It would be useless or dangerous for me to try to obtain voluntary acceptance of service by the person to be served because (explain):

☐ An enforceable injunction against harassment has been granted to me against the person to be served.

Case Number: _____

☐ **Fees for publication:** In support of my request, I state that I have attempted to locate the person to be served but I have been unable to locate that person (check and complete any that apply):

☐ This is what I did to try to find the other party (explain):

☐ I have contacted the person(s) listed below to try to find the location of the other party.

NAME

ADDRESS

OATH OR AFFIRMATION

I declare under penalty of perjury that the foregoing is true and correct.

Date:

4/24/2017

Signature

[Signature]

Applicant's Printed Name

RONALD LORAY EAST

INFORMATION FOR SERVICE

You must provide the following information:

To the best of my knowledge, as of (date) _____, the last known address of the person to be served as: _____

MICHAEL K. JEANES, CLERK
BY DEP① Jopen
D. LOPEZ, FILED

2017 APR 24 PM 12:03

For Clerk's Use Only

Person Filing: EBONE LEROY EAST & SHAMIKA S. BYRD
 Address (if not protected): 11039 N. 87TH AVE APT # 1095
 City, State, Zip Code: PHOENIX, AZ 85395
 Telephone: (602) 683-7761 or (480) 469-0910
 Email Address: eboneeast@gmail.com or shamika.byrd@yahoo.com
 Lawyer's Bar Number: N/A

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

CV2017-002117

EBONE LEROY EAST, ET AL
 Name of Petitioner/Plaintiff

Case Number: _____

APPLICATION FOR DEFERRAL OR WAIVER
 OF COURT FEES OR COSTS AND CONSENT
 TO ENTRY OF JUDGMENT

THE STATE OF ARIZONA, ET AL
 Name of Respondent/Defendant

STATE OF ARIZONA)

COUNTY OF MARICOPA) ss.

Notice. A Fee Deferral is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income. A Fee Waiver is usually permanent unless your financial circumstances change during the pendency of this court action.

I am requesting a deferral or waiver of all fees including: filing a case, issuance of a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, one certified copy of a temporary order in a family law case, one certified copy of the court's final order, preparation of the record on appeal, court reporter's fees of reporters or transcribers, service of process costs, and/or service by publication costs. (I have completed the separate Supplemental Information form if I am asking for service of process costs, or service by publication costs.) I understand that if I request deferral or waiver because I am a participant in a government assistance program, I am required to provide proof at the time of filing. The document(s) submitted must show my name as the recipient of the benefit and the name of the agency awarding the benefit. Note. All other applicants must complete the financial questionnaire beginning at section 3. If you are a participant in one of the programs in section 1 or 2 (below), you do not need to complete the financial questionnaire, and can proceed to the signature page.

1. ☒ **DEFERRAL:** I receive government assistance from the state or federal program marked below or am represented by a not for profit legal aid program:

- ☐ Temporary Assistance to Needy Families (TANF)
☒ Food Stamps
☐ Legal Aid Services

2. ☒ **WAIVER:**

☒ I receive government assistance from the federal Supplemental Security Income (SSI) program.

Case Number: _____

3. FINANCIAL QUESTIONNAIRE**SUPPORT RESPONSIBILITIES.** List all persons you support (including those you pay child support and/or spousal maintenance/support for):

NAME

N/A

RELATIONSHIP

N/A**STATEMENT OF INCOME AND EXPENSES**

Employer name: _____

Employer phone number: _____

~~I~~ am unemployed (explain): I'VE BEEN UNEMPLOYED FOR THE LAST 24 MONTHS.My prior year's gross income: \$ 33,000.00**MONTHLY INCOME**My total monthly gross income: \$ ØMy spouse's monthly gross income (if available to me): \$ ØOther current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, and lottery winnings: \$ Ø**TOTAL MONTHLY INCOME** \$ Ø**MONTHLY EXPENSES AND DEBTS:** My monthly expenses and debts are:

	PAYMENT AMOUNT	LOAN BALANCE
Rent/Mortgage payment	\$ <u>Ø31.00</u>	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
Explain: _____		
Other payments & debts	\$ _____	\$ _____
Household	\$ _____	
Utilities/Telephone/Cable	\$ <u>450.00</u>	
Medical/Dental/Drugs	\$ _____	
Health insurance	\$ _____	
Nursing care	\$ _____	
Tuition	\$ _____	
Child support	\$ _____	
Child care	\$ _____	
Spousal maintenance	\$ _____	
Car insurance	\$ <u>43.00</u>	
Transportation	\$ _____	
Other expenses (explain)	\$ _____	

TOTAL MONTHLY EXPENSES \$ 1,324.00

Case Number: _____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE
Cash and bank accounts	\$ <u>0</u>
Credit union accounts	\$ <u>0</u>
Other liquid assets	\$ <u>0</u>
TOTAL ASSETS	\$ <u>0</u>

The basis for the request is:

4. ☒ **DEFERRAL:**

- A. ☒ My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of community property income if available to you.)

OR

- B. ☐ I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. **Explain.**

OR

- C. ☐ My income is greater than 150% of the poverty level, but have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level.

DESCRIPTION OF EXPENSES	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL EXTRAORDINARY EXPENSES	\$ _____

5. ☒ **WAIVER:**

I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

IMPORTANT

This "Application for Deferral or Waiver of Court Fees or Costs" includes a "Consent to Entry of Judgment." By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a *Notice of Court Fees and Costs Due* indicating how much is owed and what steps you must take to avoid a judgment against you if you are still participating in a qualifying program. You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and costs are still due.

Case Number: _____

CONSENT TO ENTRY OF JUDGMENT. By signing this Application, I agree that a judgment may be entered against me for all fees or costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment.

OATH OR AFFIRMATION


I declare under penalty of perjury that the foregoing is true and correct.

4/24/2017
Date


Signature

EBONE LONEY
Applicant's Printed Name

APR 24 2017
Date


MICHAEL K. JEANES, CLERK
Judicial Officer, Deputy Clerk or Notary Public

My Commission Expires/Seal:

D. Lopez

Person Filing: EBONE LEROY EAST & SHAMIKA S. BYRD
 Address (if not protected): 11639 N. 87TH AVE APT #1095
 City, State, Zip Code: PEORIA, AZ 85345
 Telephone: (809) 683-7761 or (480) 469-0910
 Email Address: eboneeast@gmail.com or shamika.bird@yahoo.com
 Lawyer's Bar Number: N/A

MICHAEL K. JEANES, CLERK
 BY D. Lopez
 DEP

D. LOPEZ, FILED

2017 APR 24 PM 12:03

For Clerk's Use Only

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
 IN MARICOPA COUNTY**

CV2017-002117

EBONE LEROY EAST, ET. AL
 Name of Petitioner/Plaintiff

Case Number: _____

ORDER REGARDING DEFERRAL OR WAIVER
 OF COURT FEES AND COSTS AND
 NOTICE REGARDING CONSENT JUDGMENT

THE STATE OF ARIZONA, ET. AL
 Name of Respondent/Defendant

**NOTE: ONLY FILL OUT THE ABOVE INFORMATION. THE COURT WILL FILL OUT
 THE REST OF THE FORM.**

THE COURT FINDS that the applicant (print name) Ebone Leroy East:

1. ☐ IS NOT ELIGIBLE FOR A DEFERRAL of fees and costs.
 OR
2. ☒ IS ELIGIBLE FOR A DEFERRAL of fees and costs based on financial eligibility. As required by state law, the applicant has signed a consent to entry of judgment.
 OR
3. ☐ IS ELIGIBLE FOR A DEFERRAL of fees and costs at the court's discretion (A.R.S. § 12-302(L)).
 OR
4. ☐ IS ELIGIBLE FOR A DEFERRAL of fees and costs based on good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.
 OR
5. ☐ IS ELIGIBLE FOR A WAIVER of fees and costs because the applicant is permanently unable to pay.
 OR
6. ☐ IS ELIGIBLE FOR A WAIVER of fees and costs at the court's discretion (A.R.S. § 12-302(L)).
 OR
7. ☐ IS NOT ELIGIBLE FOR A WAIVER of fees and costs.

Case Number: _____

IT IS ORDERED:☐ **DEFERRAL IS DENIED** for the following reason(s):☐ The application is incomplete because _____

You are encouraged to submit a complete application.

☐ The applicant does not meet the financial criteria for deferral because _____

A deferral **MUST BE** granted if the applicant is receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps; has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court; or, if the applicant demonstrates other good cause.

☒ **DEFERRAL IS GRANTED** for the following fees and costs in this court:☒ Any or all filing fees; fees for the issuance of either a summons and subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.☒ Fees for service of process by a sheriff, marshal, constable or law enforcement agency.☐ Fees for service by publication.☐ Filing fees and photocopy fees for the preparation of the record on appeal.☐ Court reporter or transcriber fees if employed by the court for the preparation of the transcript.**IF A DEFERRAL IS GRANTED, PLEASE CHECK ONE OF THE FOLLOWING BOXES:**☒ **NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE.**☐ **SCHEDULE OF PAYMENTS.**

The applicant shall pay \$_____ each _____ (week, month etc.) until paid in full, beginning _____.

☐ **WAIVER IS DENIED** for all fees and costs in this case.☐ **WAIVER IS GRANTED** for all fees and costs in this case that may be waived under A.R.S. § 12-302(H).☐ Any or all filing fees; fees for the issuance of either a summons or subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.☐ Fees for service of process by a sheriff, marshal, constable or law enforcement agency.☐ Fees for service by publication.☐ Filing fees and photocopy fees for the preparation of the record on appeal.☐ Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule is set by a special commissioner, you may request the decision be reviewed by a judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. If a schedule of payments has been established, payments shall be suspended until a decision is made after judicial review. Judicial review shall be held as soon as reasonably possible.

Case Number: _____

NOTICE REGARDING CONSENT JUDGMENT. Unless any of the following applies, a consent judgment may be entered against the applicant for all fees and costs that are deferred and remain unpaid thirty (30) days after entry of final judgment:

- A. Fees and costs are taxed to another party;
- B. The applicant has an established schedule of payments in effect and is current with those payments;
- C. The applicant filed a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;
- D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or
- E. Within twenty (20) days of the date the court denies the supplemental application, the applicant either:
 - 1. Pays the fees and costs; or,
 - 2. Requests a hearing on the court's order denying further deferral or waiver. If the applicant requests a hearing, the court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied, and payment has not been made within the time prescribed by the court.

If an appeal is taken, a consent judgment for deferred fees and costs that remain unpaid in the lower court shall not be entered until thirty (30) days after the appeals process is concluded. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

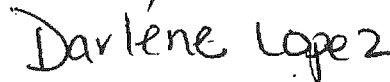
If a consent judgment is signed and the applicant pays the fees and costs in full, the court is required to comply with the provisions of A.R.S. § 33-964(C).

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver shall promptly notify the court of any change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

APR 24 2017

DATED: _____

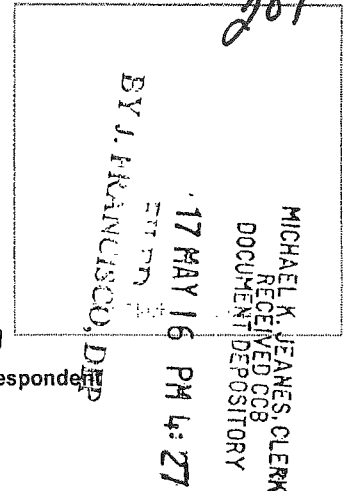

☐ Judicial Officer ☒ Special Commissioner


 Darlene Lopez

17003615

209

Person Filing: EBONE LEROY EAST & SHAMIKA S. BYRD
 Address (if not protected): 11039 N. 97TH AVE. APT#1095
 City, State, Zip Code: PEORIA, AZ 85345
 Telephone: (909) 683-7761 or (480) 469-0910
 Email Address: eboneeast@gmail.com or shamika.byrde@yahoo.com
 Lawyer's Bar Number: N/A



Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

EBONE LEROY EAST
SHAMIKA S. BYRD

Name of Petitioner

And

THE STATE OF ARIZONA, et al.

Name of Respondent

CV2017-002117

Case No.: _____

SUMMONS

If you would like legal advice from a lawyer,
 Contact the Lawyer Referral Service at
 602-257-4434

or

www.maricopalawyers.org

Sponsored by the
 Maricopa County Bar Association

WARNING: This is an official document from the court that affects your rights. Read this carefully.
 If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: THE STATE OF ARIZONA, et al
 Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:

- Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
- Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
- Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
- Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.

Case Number: _____

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

APR 24 2017

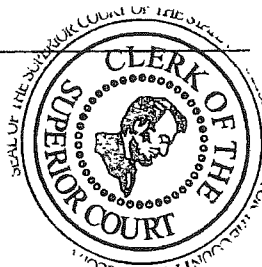
MICHAEL K. JEANES, CLERK

SIGNED AND SEALED this date

MICHAEL JEANES, CLERK OF COURT

By D. Lopez
Deputy Clerk

D. Lopez



MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
111 South 3rd Avenue, 2nd Floor
Phoenix, Arizona 85003-2292

Ebone Leroy East and Shamika S. Byrd
vs.
Mark Brnovich - Attorney General of Arizona

BY J. FRANCISCO, DEP.

DEPT.

17 MAY 16 PM 4:27

MICHAEL K. JEANES, CLERK
RECEIVED CCB
DOCUMENT DEPOSITORY

STATE OF ARIZONA)
County of Maricopa) ss.

CV2017-002117
17003615

I hereby certify that I received the within documents on the 27th day of April A.D. 2017 at the hour of 4:17 PM, and served the same on the 1st day of May A.D. 2017 on Mark Brnovich - Attorney General of Arizona being said defendant(s) named in said documents, by delivering to Lisa Fisher, Customer Service, who is authorized to accept service, at The State Of Arizona, 1275 West Washington Street, Phoenix, AZ 85007, at 10:28 AM in the County of Maricopa, a copy of said Summons, Complaint, Certificate Of Compulsory Arbitration.

Dated this 1st day of May A.D. 2017.

Service \$16.00
Mileage \$16.00
Total \$32.00

PAUL PENZONE
Maricopa County Sheriff

J.P. Newman

By _____
Deputy J. Newman #S1277

MICHAEL K. JEANES, CLERK
RECEIVED CCB
DOCUMENT DEPOSITORY

MARICOPA COUNTY SHERIFF'S OFFICE 2017 MAY 17 PM 3:33

Civil Process Section
111 South 3rd Avenue, 2nd Floor
Phoenix, Arizona 85003-2292

FILED BY: C. Kurek

Ebone Leroy East and Shamika S. Byrd
vs.
The State of Arizona, et al.

STATE OF ARIZONA)
) ss. CV2017-002117
County of Maricopa) 17003658

I hereby certify that I received the within documents on the 28th day of April A.D. 2017 at the hour of 11:37 AM, and served the same on the 3rd day of May A.D. 2017 on Laticia Frausto being said defendant(s) named in same documents, by delivering to Emeliada Diaz, Supervisor, who is of suitable age & discretion residing therein at their usual place of abode, at Dept of Child Services 8990 W Peoria Avenue 2nd Floor Peoria, AZ 85345 at 9:54 AM in the county of Maricopa, a copy of said Summons, Civil Complaint (Misrepresentation of a Material Fact, Rights To Due Process of Law), Certificate Of Compulsory Arbitration, Civil Cover Sheet.

Dated this 3rd day of May A.D. 2017.

Service \$16.00
Mileage \$33.60

Total \$49.60

PAUL PENZONE
Maricopa County Sheriff



By _____
Deputy Craig Kurek #S1138